



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/662,577 | 09/15/2003 | Edward Owen Clapper | EC005 | 9317 |

34496 7590 03/28/2006

RICHARD C. CALDERWOOD
2775 NW 126TH AVE
PORTLAND, OR 97229-8381

| |
|----------|
| EXAMINER |
|----------|

MAI, TRI M

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3727

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,577

Applicant(s)

CLAPPER, EDWARD OWEN

Examiner

Tri M. Mai

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 3727

1. Claims 1, 2, 5-12, and 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure does not teach the indentation of the pinch grip into the sidewall of the plate. This is a new matter rejection.

2. Claims 1, 2, 8, 12, 15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Nigg et al. (6837374). Nigg teaches a central surface a perimeter rim a lip at 100, a plurality of pinch grips including a first side extending outward from the central surface of the palte and a second side extending ward from an outer perimeter of the plate at portion 176 wherein the first side comprises an outward extending indentation in the perimeter rim and the second side comprises an inward extending indentation in the lip.

Regarding claim 2, note the lip extends downward below the central surface at portion 112.

Regarding claim 15, note the inward indentation at portions 184 stops short of a bottom edge as claimed.

Regarding claim 16, note there are outward indentation on portion 118 on the wall forming portion 126,

3. Claims 6, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nigg in view of Lane et al. (4557379). It would have been obvious to one of ordinary skill in the art to make the container from plastic as taught by Lane (col. 4, ln. 59) to provide the desired material for the container.

Art Unit: 3727

4. Claims 5-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nigg in view of Britt (3589511). It would have been obvious to one of ordinary skill in the art to make the container from paper (col. 3, ln. 14), foam plastic (col. 1, ln. 64) as taught by Britt to provide the desired material for the container.

5. Claims 1, 8, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Faulsticks et al. (5447234). Faulsticks teaches a plate having a central surface 166, a perimeter rim (wall at 164), and a lip at wall 168, and indentations (note the indentations at 175 and on the inside wall).

Regarding claim 8, note the rib is rounded at the four corners.

6. Claims 6, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faulsticks in view of Lane et al. It would have been obvious to one of ordinary skill in the art to make the container from paper (col. 3, ln. 14), foam plastic (col. 1, ln. 64) as taught by Britt to provide the desired material for the container.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Faulsticks in view of Emery (2007523). It would have been obvious to one of ordinary skill in the art to provide the lips extending downward below the central surface as taught by Emery to provide the desired length of the rim and/or for providing added support to the rim.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3727

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

